

6

435

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 5th DAY OF JUNE, 1998

BEFORE

THE HON'BLE MR. JUSTICE CHANDRASHEKARAIHAH

WRIT PETITION No. 30057 OF 1995.

BETWEEN:

Mr. K. N. Jayaprakash

Aged about 44 years,

No. 174/40,

8. F. Main Road,

22nd Cross, III Block,

Jayanagar,

Bangalore- 11.

... Petitioner.

(B. K. Sampathkumar, Adv. for Petitioner.)

AND:

The Commissioner,

Bangalore City Corporation,

Bangalore.

The Asst. Executive Engineer,

Jayanagar Sub-Division,

Bangalore City Corporation,

~~Bangalore~~ Jayanagar, Bangalore. .. Respondents.

(By Sri. S. J. Sundarkumar for Respondents.)

(Sri. Ashok Haranahalli and

Sri. B. V. Muralidhar for repts)

-2.

302
10/11

Writ petition is filed under Articles 226 and 227 of the Constitution of India, with an affidavit, praying to Quash the notices dt;10.7.95 issued by the R-2 vide Annexure-'E' and notice issued by the R-2 vide Annexure-'F'. and etc.,

Writ petition is coming on for ~~orders~~ *final disposal*
this day the Court made the following:

O R D E R

The petitioner has challenged the -
order passed by the Corporation U/s.321(1),
(2) & (3) of the Karnataka Municipal Corporations Act.(for short the Act) on the ground that the order passed U/s.321(3) of the Act is without any notice pursuant to the provisional order passed U/s.321(1) & (2) of the Act.

437

This fact is not disputed. Therefore, the final order passed U/s.321(3) of the Act - is liable to be quashed.

In the result, I pass the following order;

Writ petition is allowed. The order passed by the Corporation U/s.321(3) of - the Act ^{is} quashed. However, the petitioner is given liberty to file objections to the provisional order within one month from - today. If such objections are filed, the Corporation is at liberty to pass final - order after considering the objections and after affording opportunity of hearing to the petitioner.

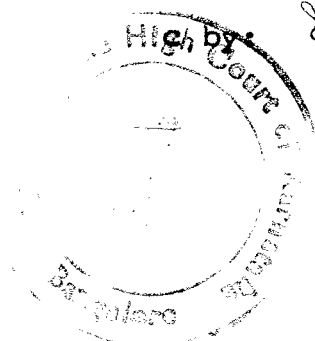
Sd/-JUDGE:

ss.

r.by: *Vla*

COPY

W
Assistant Registrar
High Court of Karnataka
Bengaluru - 560 001



8/10

